

Birdhichand and Mishrilal Gothi

Vs

State of Maharashtra and Others, Respondents.

Civil Appeals No. 835 with 834 & 836 of 1989

(Rangath Misra, K. Jagannatha Shetty JJ)

13.02.1989

JUDGMENT

RANGANATH MISRA, J. –

1. Special leave granted.

2. We have heard counsel for the appellants and the State of Maharashtra. It is not in dispute that the bonds under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 were not issued within the time frame contemplated by the Act. The High Court found that the delay was for varying periods, the maximum being six years. On such finding the High Court to meet the requirements of equity directed that the appellants would be entitled to get interest as per provision in Section 26 of the Act at 3 per cent per annum for the period of delay in issuance of bonds.

3. Taking the admitted facts of the case into consideration and the contentions raised by counsel for both sides before us, we directed that the interest of 3 per cent as granted by the High Court shall be enhanced to 10 percent. The appeal is disposed of.

4. This shall not be treated as a precedent.

5. Parties are directed to bear their own costs.

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